

## EXHIBIT G

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
Case No. 03-MDL-1570 (GBD) (SN)  
-----x.  
IN RE: TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001  
-----x

April 12, 2021  
10:30 a.m.

Videotaped Deposition via Zoom  
of BRIAN M. JENKINS, pursuant to Notice,  
before Jineen Pavesi, a Registered  
Professional Reporter, Registered Merit  
Reporter, Certified Realtime Reporter and  
Notary Public of the State of New York.

1 JENKINS

2 are your areas of expertise?

3 A. I would say broadly speaking,  
4 I've been working on terrorism and more  
5 broadly international conflict as an  
6 analyst over the past several decades  
7 actually.

8 I began the Rand Corporation  
9 Research Program on this particular topic  
10 on behalf of the Department of State and  
11 Department of Defense in 1972.

12 Q. Is it fair to say, then, that  
13 you're a terrorism analyst and that's your  
14 area of expertise for purposes of this  
15 case?

16 MR. EUBANKS: Object to form.

17 A. I think that would be fair.

18 Q. Are there any other areas of  
19 expertise that you're using in connection  
20 with this case besides terrorism analyst  
21 skills?

22 A. No, I don't believe so.

23 Q. Are there other fields of  
24 expertise that you possess but are not  
25 using for this case?

1 JENKINS

2 Pakistan and its lack of cooperation.

3 The U.S. government instead,  
4 you know, made a decision, a practical  
5 decision, that Pakistan for other reasons,  
6 for a whole bunch of reasons, was a  
7 country that we could not afford to  
8 alienate.

9 And I suspect on the other  
10 side, again, I suspect, but we don't have  
11 -- we don't know, I don't have an x-ray  
12 vision and I don't know this is what bin  
13 Ladin was thinking, this is always  
14 indirect evidence as to what he says and  
15 what Al Qaeda did, but I think this was an  
16 issue of, all right, you know, Saudi  
17 Arabia, we don't like the Saudi regime, we  
18 don't like the Saudi king perhaps, but  
19 there are also -- we do like the Wahhabi  
20 ideology as part of our ideology, we have  
21 sources in Saudi Arabia, more Saudis came  
22 to probably join Al Qaeda than others, we  
23 have recruiting networks, we have support  
24 networks.

25 Does that act then as a

1 JENKINS

2 Pakistan and its lack of cooperation.

3 The U.S. government instead,  
4 you know, made a decision, a practical  
5 decision, that Pakistan for other reasons,  
6 for a whole bunch of reasons, was a  
7 country that we could not afford to  
8 alienate.

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10 side, again, I suspect, but we don't have  
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13 Ladin was thinking, this is always  
14 indirect evidence as to what he says and  
15 what Al Qaeda did, but I think this was an  
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19 there are also -- we do like the Wahhabi  
20 ideology as part of our ideology, we have  
21 sources in Saudi Arabia, more Saudis came  
22 to probably join Al Qaeda than others, we  
23 have recruiting networks, we have support  
24 networks.

25 Does that act then as a

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2 Q. And in your report you rely on  
3 the 9/11 Commission Report, is that right?

4 A. I use it extensively because,  
5 again, it is within the public domain that  
6 I know about, it is the most comprehensive  
7 and carefully researched public account of  
8 these events and is recognized as such.

9 Now, since 9/11 there has been  
10 additional material that has come out, but  
11 it doesn't fundamentally change, there may  
12 be a small correction here and there, but  
13 it doesn't fundamentally change the  
14 conclusions of the 9/11 Report.

15 So, yes, do we know more today  
16 than the members of the Commission knew at  
17 the time they were writing the report, the  
18 answer is yes.

19 Has it fundamentally changed  
20 the conclusions that they reached, no, we  
21 know more, we don't know something, at  
22 least to my knowledge, we don't know  
23 something fundamentally different.

24 Q. I am going to take you through  
25 some of the 9/11 Commission Report and try

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2 formalization of the relationship.

3 Q. When you say this represents  
4 more of a formalization of the  
5 relationship, you mean when KSM began  
6 working more closely with Osama bin Ladin  
7 in 1998 or 1999?

8 A. Yes.

9 MR. COTTREAU: If I could have  
10 the assistant please turn to the next page  
11 and highlight for me footnote 10 on the  
12 next page.

13 Q. Mr. Jenkins, I am going to have  
14 you take a look at footnote 10 to Chapter  
15 5 of the 9/11 Commission Report, which is  
16 at FED PEC 0076073 of Exhibit 2026, and if  
17 you could please read that aloud for me.

18 A. "Intelligence report,  
19 interrogation of KSM, January 9, 2004. In  
20 another interrogation report, however, KSM  
21 downplays the significance of his  
22 relationship to Yousef in enabling him to  
23 meet with bin Ladin. Specifically, KSM  
24 notes that Yousef was not a member of Al  
25 Qaeda and that Yousef never met bin Ladin.

1 JENKINS

2 Intelligence report, interrogation of KSM,  
3 February 19th, 2004."

4 MR. EUBANKS: Objection, rule  
5 of completion or rule of completeness.

6 Q. Do you agree that Ramzi Yousef  
7 was not a member of Al Qaeda and that  
8 Ramzi Yousef never met Osama bin Ladin?

9 A. I don't know; again, I don't  
10 know independently whether Yousef had met  
11 bin Ladin.

12 Insofar as not being a member  
13 of Al Qaeda, here you have to understand,  
14 in my view, that when we talk about Al  
15 Qaeda, we in the west want to impose  
16 wiring diagrams and formal memberships on  
17 what is really a network.

18 There was an Al Qaeda  
19 constellation, Al Qaeda orbit, that  
20 included individuals who were members, who  
21 were affiliates, who were innocent  
22 subcontractors, and there were individual  
23 entrepreneurs, at times they collaborated  
24 with Al Qaeda, so it was much of a  
25 network.



1 JENKINS

2 So these things about whether  
3 someone is a, quote, member of Al Qaeda  
4 really refers to a narrow, a very narrow  
5 thing, of Al Qaeda inner core, probably  
6 including, but not always, a swearing of  
7 an oath of loyalty which was to bin Ladin.

8 In fact, there was, as I say, a  
9 larger constellation of relationships and  
10 Al Qaeda itself was a source of funding  
11 for a number of independent operations, it  
12 was a little bit like a foundation that  
13 itself funded deserving terrorist  
14 operations.

15 And so this issue here in this  
16 footnote of Khalid Sheikh Mohammed  
17 downplaying the significance of his  
18 relationship to Yousef and enabling him to  
19 meet bin Ladin, I mean, we're getting into  
20 also some ego things here, Khalid Sheikh  
21 Mohammed has a tremendous ego himself, did  
22 not want to necessarily be seen as, you  
23 know, somebody else's lieutenant or  
24 operative.

25 One of the concerns that he --

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2 that was there, and perhaps this is  
3 surmise, he didn't want to lose the  
4 personal credit, did not want to be seen  
5 as entirely dependent on others.

6 Now, this is in contradiction  
7 to the fact that at the same time,  
8 according to the same 9/11 Commission  
9 Report, he realized, Khalid Sheikh  
10 Mohammed realized, that the only way that  
11 he could get the resources necessary,  
12 human resources, financial resources,  
13 organizational support, to carry out a  
14 large scale operation that he had in mind  
15 was through Al Qaeda.

16 So on the one hand he doesn't  
17 want to give up the credit, he wants top  
18 billing, to use a Hollywood term, and on  
19 the other hand, you know, Al Qaeda is the  
20 producer, Osama bin Ladin is the producer  
21 that's going to enable him to pursue his  
22 project.

23 Q. Let me try to ask a more direct  
24 question.

25 Are you aware of any evidence

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2 that shows that Ramzi Yousef met with  
3 Osama bin Ladin?

4 A. I cannot recall at the moment,  
5 I'd have to go back and look that up.

6 Q. Sitting here today, you  
7 couldn't name any evidence that would  
8 dispute this statement in footnote 10 to  
9 Chapter 5 of the 9/11 Commission Report,  
10 which is at page FED PEC 0075754 of  
11 Exhibit 2026, that Yousef never met bin  
12 Ladin?

13 MR. EUBANKS: Object to form,  
14 misrepresentation of the exhibit.

15 A. This footnote does not say that  
16 Yousef never met bin Ladin, this footnote  
17 says that KSM notes that Yousef had never  
18 met bin Ladin.

19 So the footnote as it applies  
20 to Khalid Sheikh Mohammed's statement is  
21 correct in the sense that that's what  
22 Khalid Sheikh Mohammed said to his  
23 interrogators.

24 Separately, it does not say  
25 that -- as I say, the footnote says what

1 JENKINS

2 KSM said.

3 Q. And you're not aware of --

4 A. I would have to look it up.

5 Q. Do you have any facts or  
6 evidence that suggests that Ramzi Yousef  
7 was not a member of Al Qaeda?

8 MR. EUBANKS: Object to form.

9 Q. Let me ask this again and  
10 restate it.

11 Do you have any evidence or  
12 facts that you can point me to that would  
13 suggest that Ramzi Yousef was a member of  
14 Al Qaeda?

15 A. I seem to be answering the same  
16 question again and again even though you  
17 state it differently.

18 I have to go back now and look  
19 at it and to see what other information  
20 there is.

21 I honestly at this moment  
22 cannot recall whether Yousef -- whether  
23 there is any reporting that Yousef met bin  
24 Ladin, I would have to -- you know, look,  
25 I am an analyst, but I am not an

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2 encyclopedia in terms of I have to  
3 regularly return to sources to go back to  
4 -- that's why I've got books with pages  
5 cornered and underlines, just like you're  
6 underlining things, so that I can look  
7 them up.

8 I don't want to give you an  
9 answer without doing that.

10 Q. Mr. Jenkins, I just want you to  
11 use your best recollection today and if  
12 you tell me -- hold on if you could -- I  
13 just want your best recollection sitting  
14 here today as a deponent and that's all I  
15 can do.

16 You can only tell me what's in  
17 your head and I only can ask you what's in  
18 your head, and so that's the kinds of  
19 questions I'm going to be asking you  
20 today.

21 I'm trying to evaluate your  
22 report and things that relate to your  
23 report and so I'm going to ask you  
24 questions like, well, what is the  
25 evidence, and then if you tell me what the

1 JENKINS

2 evidence is, then I will ask you other  
3 questions, like, how will you weigh the  
4 evidence and how do you determine what's  
5 credible and not credible in weighing the  
6 evidence.

7 But my first job is to identify  
8 what is that body of evidence and so I  
9 have you today to ask those questions to,  
10 so I appreciate your patience as I ask you  
11 about them.

12 A. No, I understand that and, you  
13 know, one of the things you learn in terms  
14 of intelligence analysis is you don't go  
15 with your recollections.

16 Q. Sadly in law that's all I have  
17 today, is your recollection.

18 A. I know.

19 Q. So I'm going to go with it.

20 A. Again, I am hard-nosed about  
21 evidence and if I'm answering a question,  
22 particularly a question under oath,  
23 particularly in a very important case like  
24 this, in a deposition, well I seem to  
25 recall, I thought that, but I am not

1 JENKINS

2 entirely sure, I would be doing you a  
3 disservice and the attorneys that I'm  
4 working with on the case to do that.

5 So I'm going to be hard-nosed  
6 about this, and if I have high confidence  
7 or I can come up with a footnote that I  
8 can highlight, just like you're doing  
9 here, that's what I want to do.

10 I'm not going to go with a  
11 recollection where I don't have a  
12 recollection.

13 Q. And all I want to know is if  
14 you have a recollection.

15 So if you say, when I ask you  
16 questions, if you have evidence, just say,  
17 you know, there may be evidence of that,  
18 but I can't recall any of it right now,  
19 okay; if that's your answer -- or if  
20 you think there might not be or you don't  
21 know, say I don't know, that's okay.

22 A. I don't know.

23 Q. Okay.

24 Can I ask this question; are  
25 you aware of any financial transactions

1 JENKINS

2 between Ramzi Yousef and Al Qaeda?

3 MR. EUBANKS: Objection to  
4 form, outside the scope.

5 A. I'm trying to recollect and  
6 there is something vague, but the answer  
7 is for now I'm going to say no, I don't  
8 know.

9 I'm saying I don't know.

10 Q. You can't name any financial  
11 transactions sitting here today between Al  
12 Qaeda and Ramzi Yousef?

13 MR. EUBANKS: Objection to  
14 form, outside the scope.

15 A. You know, again, we're not  
16 dueling here, but I'm staying with,  
17 without double-checking, I don't know.

18 Q. Okay, thank you.

19 I am going to show you in a  
20 second what's going to be marked as 2027.

21 MR. COTTREAU: This is,  
22 Michael, document E.

23 Actually, Michael, I made a  
24 mistake and I hope you can help me with  
25 it.



1 JENKINS

2 familiarize myself with the page of where  
3 we are in this.

4 Q. Please take the time that you  
5 need.

6 (Witness perusing document.)

7 A. Okay.

8 Q. Do you recall in 2011, as part  
9 of your testimony, at Exhibit 2028,  
10 numbered page 3, second-to-the-last  
11 paragraph, stating that, "Before that, in  
12 1995, a small group of terrorists, then  
13 still outside of Al Qaeda's orbit, plotted  
14 to bring down 12 airliners flying across  
15 the Pacific."

16 A. Yes, that was my testimony.

17 Q. Does that sentence that I just  
18 read refer to the Bojinka plot?

19 A. Yes.

20 Q. And do you still believe that,  
21 as you've stated in Exhibit 2028,  
22 second-to-the-last paragraph of numbered  
23 page 3, "Before that, in 1995, a small  
24 group of terrorists, then still outside of  
25 Al Qaeda's orbit, plotted to bring down 12

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airliners flying across the Pacific"?

A. Yes, but I would add to that again, we've had this discussion before, you know, as I say, it was not -- Bojinka was not an Al Qaeda operation, it was carried out by individuals who were part of this broader constellation and who had previously, in some case, had previously had connections with Al Qaeda or subsequently had connections with Al Qaeda.

But the specific operation was not an Al Qaeda operation.

So, yes, I agree with this statement, but with that additional statement.

Q. Thank you.

MR. COTTREAU: Michael, you can take the exhibit down.

Q. Mr. Jenkins, do you believe that Islam is a religion of peace?

MR. EUBANKS: Object to form, outside the scope.

A. You know, do I believe --

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2 of aggression, of violence; I reject that,  
3 I do reject that.

4 Is, is the faith utilized as  
5 other faiths are, to support acts of  
6 violence, murder, large scale slaughter,  
7 the answer is, unfortunately,  
8 historically, yes.

9 Q. Do you believe that Al Qaeda  
10 distorted Islam to commit terrorist  
11 attacks?

12 MR. EUBANKS: Objection to  
13 form, outside the scope.

14 A. It is outside what I've written  
15 about, I am not a theologian.

16 However, clearly what Al Qaeda  
17 did in its ideology was to elevate the  
18 concept of Jihad, which can mean either a  
19 spiritual struggle or making war, it  
20 elevated it to in a sense the primary, the  
21 paramount issue, which was to not the  
22 spiritual quest, but to make war, to be  
23 intolerant, to define religion very, very  
24 -- Islam -- very, very narrowly so that  
25 others could be identified, even fellow

1 JENKINS

2 Muslims, as apostates and therefore be  
3 legitimate targets of violence.

4 That actually comes out of Al  
5 Qaeda's ideology, Al Qaeda's ideology is  
6 related to less tolerant, in fact  
7 intolerant and more aggressive expressions  
8 of a religious belief.

9 So, yes, when Al Qaeda uses in  
10 the name of god the justification for  
11 atrocities, for acts of violence, not only  
12 against other religions, but even against  
13 members of their own religion, I suppose I  
14 would see that, I would see that, as a  
15 distortion.

16 But that puts me into the realm  
17 of theological debate with Zawahiri and  
18 bin Ladin and a bunch of Wahhabians in  
19 Saudi Arabia.

20 And I'm not nationally  
21 recognized in the field of theology to get  
22 in that kind of an argument.

23 So I've given you a personal  
24 view that I think belief in god and indeed  
25 passages of the Quran, as I have read

1 JENKINS

2 them, were violated, were distorted, by Al  
3 Qaeda.

4 Q. Do you know an Islam scholar  
5 named Aisha Musa, M-U-S-A?

6 A. No.

7 Q. Do you know an expert in this  
8 case by the name of Connie Fenchel?

9 A. No.

10 Q. When I say know, I mean know  
11 them personally or know of them.

12 A. Yeah, I mean, again, I've read  
13 a number of things about these and, you  
14 know, it's entirely possible that they  
15 appeared in some chapter, some article,  
16 that I have in fact read, but I just don't  
17 recall the name of the author.

18 Q. Again, I am just asking you for  
19 your best recollections today.

20 A. Yes.

21 Q. And you're going to use your  
22 best efforts to give me your best  
23 recollections, right?

24 A. I am.

25 Q. Did you read any expert reports

1 JENKINS

2 the lunch break, if we could.

3 You testified earlier your area  
4 of expertise for purpose of this case is  
5 as a terrorist analyst.

6 Is it fair to say that in  
7 evaluating the work of a terrorist  
8 analyst, one of the things that you're  
9 trying to make sure is that that work is  
10 methodologically sound?

11 A. Yes.

12 Q. Does the criteria for being  
13 methodologically sound in the area of a  
14 terrorism analyst include whether the  
15 arguments are valid, whether you have  
16 factual accuracy, the appropriateness of  
17 methods, whether there is objectivity,  
18 thoroughness and soundness of logic, you  
19 agree with that, don't you?

20 MR. EUBANKS: Object to form.

21 A. I would say yes, you would want  
22 something that is fair based upon facts as  
23 they are available.

24 Q. One of the things that people  
25 would use to judge the quality of your

1 JENKINS

2 work would be whether the evidence you  
3 present supports your conclusions, right?

4 A. Yes.

5 Q. And one of the things that  
6 would be fair to judge the quality of your  
7 expert work is whether you include all of  
8 the evidence available or do you ignore  
9 evidence contrary to your conclusions,  
10 correct?

11 MR. EUBANKS: Object to form.

12 A. You would not ignore evidence  
13 at all, and what I am about to say has  
14 nothing to do with deliberately ignoring  
15 evidence that is contrary.

16 However, however, there is a  
17 reality, I mean, you quoted, for example,  
18 from my Congressional testimony that was  
19 before a House Committee.

20 Do you know that in oral  
21 presentation testimony before a House  
22 Committee, that you are given five minutes  
23 to make the presentation and that in terms  
24 of what goes into a Congressional record  
25 as a written testimony is in the area of

1

2

A F T E R N O O N   S E S S I O N

3

2:50 p.m.

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5

THE VIDEO TECHNICIAN: We are on  
the record, the time is 2:50 p.m.

6

Please continue.

7

B R I A N   M .   J E N K I N S , resumed.

8

EXAMINATION CONTINUED

9

BY MR. COTTREAU:

10

Q.            Mr. Jenkins, you understand

11

that you are still under oath?

12

A.            I understand.

13

Q.            Have you ever interviewed any

14

Al Qaeda members?

15

A.            No.

16

Q.            How do you determine what Al

17

Qaeda's point of view is, is that based on

18

all members, some members, how do you

19

determine that?

20

A.            In terms of trying to

21

understand Al Qaeda's word view, mind set,

22

belief system, you know, you go with

23

what's available, at least what's

24

available in the unclassified area, I

25

can't get into the classified area.



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But, No. 1, what do they say; now, when bin Ladin was alive, he regularly communicated at length in terms of various speeches and communications, so did Zawahiri, so did some of the others in the group, so that's No. 1.

No. 2, this goes back primarily before, but in some cases immediately after 9/11, bin Ladin and Zawahiri gave interviews to the press and so you have what they said in those.

There is also material that Al Qaeda strategists, et cetera, have written about their view, so you have what they said, what they wrote, what they said in interviews, and moreover, then you have their actions, what were their, you know, what they did as evidence of how they viewed things and how they did things and intentions.

Does that reflect the entire membership of Al Qaeda, no, because you have individuals, and this is especially in the post 9/11 environment, who claim to

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2 be part of Al Qaeda and were involved in  
3 various terrorist plots and were  
4 apprehended and so you have what it says  
5 in the criminal complaints and in  
6 transcripts of trials and things of this  
7 sort, so you have some of that.

8 And I forgot one other thing,  
9 although it's limited, and to me far more  
10 limited than it need be, you have what  
11 statements Al Qaeda detainees have made  
12 that have been released into the public  
13 domain; not a lot of that, it's a very  
14 limited -- there is some of it, Khalid  
15 Mohammed, some of it, but there isn't a  
16 lot of that.

17 We don't have transcripts of  
18 the interrogation, many of them were done  
19 under so-called enhanced interrogation  
20 techniques and so on.

21 The actual videos of those have  
22 been destroyed, so, you know, we're going  
23 with a very limited slice, but in some  
24 cases it's a bit revealing.

25 And so you put all that

1 JENKINS

2 together and that's essentially what  
3 you've got.

4 Not as much as any analyst  
5 would like to have.

6 Q. I tried to find your  
7 methodology in your report and I don't  
8 think I found it, but did I miss it  
9 somewhere, is your methodology in your  
10 report?

11 A. No, the methodology was really  
12 pretty straightforward here.

13 I mean, my own view was to talk  
14 about, again, the origins of the idea, the  
15 planning and the development of 9/11 and  
16 so I looked at what material was available  
17 that directly addressed that question or  
18 certain areas that were defined as beyond  
19 the scope of my inquiry and quite frankly  
20 beyond the scope of my expertise, for  
21 example, issues relating to financing and  
22 so on.

23 And so within the parameters of  
24 my objective was to look at, bring  
25 together the material, to examine that

1 JENKINS

2 things that came out, how can I describe  
3 this, material that I looked at, that I  
4 was familiar with, or in some cases not  
5 familiar with, looked at and said, okay,  
6 that is very -- that's interesting to me.

7 Not every single, not every  
8 single thing I looked at is in the  
9 footnotes, but this would be pretty  
10 straightforward academic kind of research  
11 and that is what material is available.

12 And obviously there is some  
13 selection process, some selection process  
14 in that.

15 Q. Did you do anything to find  
16 evidence that the 9/11 Commission was  
17 wrong on particular points during the  
18 course of preparing your report?

19 A. Not, not really, that the 9/11  
20 Commission got something wrong.

21 I wasn't aware -- in terms of  
22 just following this over the years and  
23 being part of it, as I say, there were  
24 some minor -- there were some corrections  
25 to it to be sure.

1 charities wind up in turn supporting smaller  
2 charities, and those smaller charities over the  
3 course of a series of a conflicts, Afghanistan,  
4 Bosnia, Chechnya, for example, but it also included  
5 Kashmir and Dagestan and Sudan, began bit by bit to  
6 provide a foundation for al-Qaeda. And that's what  
7 I believe happened.

8           It wasn't necessarily, by any means, this  
9 global jihad. The intent at the front end, the  
10 intent at the front end was an effort to reduce the  
11 threat to the Saudi government from a variety of  
12 forces. And in 2017, 2018, '19, and '20, when I was  
13 back at the State Department, I saw this still  
14 playing out in the Middle East and North Africa,  
15 with the problems between Shia and Sunni, and with  
16 the Islamic state, the al-Qaeda and the Maghreb and  
17 elsewhere, still playing out in this battle between  
18 what are we going to have, nation-states? Or  
19 political Islam? Or dictators or al-Qaeda or  
20 pan-Arabism. Or even Ottomanism, which also  
21 continues to play a role in the region.

22           So that's the backdrop to paragraph 51.

23           Q. Can you point me to one single paragraph  
24 in the 9/11 Commission where it's listed WAMY,  
25 Muslim World League, that they had created -- that

1 had create the global infrastructure of al-Qaeda?

2 And when I mean that, I mean list the name.

3 Anywhere in the report. Right?

4 A. Sure. I would be --

5 Q. -- Muslim groups in the part of the world  
6 as a common extremist cause. But I'd like you to  
7 show me in the report that WAMY was referred to this  
8 way, and also was remotely was referring to this  
9 this way.

10 MR. HAEFELE: Object to the form.

11 A. I would be grateful to the opportunity to  
12 have on the screen page 170 and 171 and then we can  
13 discuss precisely that issue.

14 MR. MOHAMMEDI: Okay. Can we go off the  
15 record a minute? Just a minute, please.

16 THE VIDEOGRAPHER: We are off the  
17 record at 1:19 p.m.

18 (Recess taken, 1:19 p.m. to  
19 1:21 p.m. EDT)

20 THE VIDEOGRAPHER: Back on the record  
21 at 1:21 p.m.

22 Q. (BY MR. MOHAMMEDI) So if you can just  
23 put our Exhibit 13 on the screen, which we sent you.  
24 That will be --

25 TRIAL TECHNICIAN: It will be 907.

1 JENKINS

2 Q. Is that different than an  
3 historical methodology?

4 A. I don't know what you have in  
5 your head when you say methodology.

6 The fact that you can call  
7 upon, that you can refer to an analogous  
8 event to illustrate a point certainly is  
9 part of a methodology.

10 Historians do it all the time.

11 Q. And I am just trying to figure  
12 out what your methodology was for purposes  
13 of the report, and if I understand it,  
14 your methodology, and the only methodology  
15 for purposes of this report, was an  
16 historical methodology, including looking  
17 at historical comparisons, is that right?

18 A. That is right.

19 Q. Thank you.

20 Do you cite within the body of  
21 your report only sources that you believe  
22 were reliable on the points for which you  
23 cited them?

24 A. Please repeat that, I want to  
25 make sure I get it right.

1 JENKINS

2 from, here's the case.

3 One should probably footnote  
4 every single one, but --

5 Q. Let me ask this way,  
6 Mr. Jenkins.

7 Is there any way in looking at  
8 your report that I can tell where you got  
9 the information on pages 16 to 17 of your  
10 report under the section "The first  
11 meeting between Khalid Sheikh Mohammed and  
12 Osama bin Ladin"?

13 A. No, a footnote is not in here.

14 Q. And just reading the section  
15 itself, can I tell where you got any of  
16 the information in this section that  
17 starts on page 16 and carries over to page  
18 17 of your report?

19 A. I think you can take a  
20 reasonable guess that it's the 9/11  
21 Report, probably supplemented by some  
22 other published works, one of them I  
23 referred to earlier in terms of Ali  
24 Soufan's book.

25 But there would be some other



1 JENKINS

2 not quite what I'm talking about, it's not  
3 quite relevant to me, it's a bit  
4 different.

5 So the sources that are  
6 included in the footnotes of my report  
7 were both relevant and I believe reliable  
8 sources.

9 Q. With respect to the historical  
10 methodology that you applied in connection  
11 with your report, are there any learned  
12 treatises or authorities in the field that  
13 set forth the rules of how to apply an  
14 historical methodology?

15 A. I'm sure that when I went  
16 through my oral exams I was tutored up,  
17 yes.

18 But is there a single document  
19 or document that I know of that says these  
20 are the rules for an historian; no, I  
21 don't know of a rule book or a code or  
22 regulations.

23 I mean, the issues are, you  
24 know, to try to assemble the documents,  
25 the relevant material, to try as much as

1 JENKINS

2 published sources on the strategic debates  
3 and how bin Ladin saw it and I could  
4 provide those.

5 Q. Looking at your report itself  
6 on pages 16 to 17, there is no way for me  
7 to tell where you got any one of those  
8 points or what authority you used or where  
9 in that authority to find any of these  
10 points, is that right?

11 A. No, I would have to go back and  
12 footnote every -- certainly every  
13 paragraph.

14 But I can do so.

15 Q. Is there a reason why you  
16 didn't do so in the first instance?

17 A. No, no.

18 Q. If you take --

19 A. You know, I should have listed  
20 every single citation.

21 Having said it, I have no doubt  
22 that I am on solid ground and can back it  
23 up.

24 Q. Okay.

25 On page 23 of your report,

JENKINS

in 2003, those are statements of fact and I didn't footnote, you know, a citation for each one.

In terms of a very specific reference, which may be more obscure to the readers, I explain who Hubal is; now, that relates back to discussions indeed that, you know, that we had, my colleagues, myself, other analysts.

And in terms of bin Ladin's use of the term Hubal, not a readily recognized term in the United States, but what was he referring to historically, and, you know, that satisfies who Hubal is.

Insofar as an operational reason for choosing the World Trade Center, that is my surprise, that because they rose far above the skyline and on a clear day visible from many miles away, for particularly two inexperienced pilots, they would be easier targets.

Now, what we do know, and it is from the 9/11 Report, is that bin Ladin

1 closed charities at that time, showing that they put  
2 controls in place, that kind of thing.

3 Q. So, Mr. Winer, I'm going -- I'm trying my  
4 best to stop you, but I don't think you are  
5 answering my questions. My question is not what the  
6 Saudi government did based on your knowledge. What  
7 my question is that did you consider this material  
8 when you rendered your opinion? That's the only  
9 question I have for you.

10 MR. HAEFELE: Objection to the form  
11 of the question, except for the part were you  
12 said you're trying your best to stop him.

13 MR. MOHAMMEDI: I said trying my best  
14 not to stop you.

15 A. Well, I looked at material which  
16 described this incident and this moment in time. I  
17 did not read this document, but I was aware of the  
18 gist of its contents.

19 Q. (BY MR. MOHAMMEDI) And you were not sure  
20 if this was in your reliance material of the Harmony  
21 database in general?

22 A. I don't know whether it was listed or  
23 not. As I told you, I looked at it, but I didn't  
24 spend a lot of time with it. And it wasn't  
25 something that I particularly relied on, because I

JENKINS

in which I say "see discussion of these issues in Chapter 1, Chapter 5 and Chapter 7," and I cite those, those would cover a number of them, that doesn't get into this area.

Now, look, again, and I realize -- I don't mean to be chubbing back and forth and I don't see this as an adversarial proceeding, or it is, but the fact is that, yes, there are a lot of things in my head and they refer to a lifetime of previous research and in some cases, as to men are willing to die and common supply, but never before had a terrorist organization mobilized so many suicide operatives to work together in a single operation.

I can actually demonstrate that historically, but it is one of those things that quite frankly is inside my head.

In fact, one of the -- I am not going to get into, this was another analytical debate, we can see one or two

JENKINS

suicide attackers at one time, we're not going to get groups of suicide attackers, that was -- some of the psychologists said that.

Okay, normally they were using one and twos; we had never seen 19, we had never seen ten.

The point is, in the paragraph that begins "The 9/11 attackers were not cannon fodder," this is not somebody you could load them with a vest and send them down the street to blow up something.

I say things there that I think are self-evident, I don't have to cite that they had to go abroad for an extended period of time, they had to go abroad for some extended period of time.

At least some of them had to be able to speak or learn English, they had to do these other things which we know they did.

Now, do I have to footnote that, you might say yes; in my mind I did not have to.

1 JENKINS

2 Did they have to observe  
3 security measures, learn to fly large  
4 commercial jet aircraft, self-evident.

5 Q. Are there facts --

6 A. That is not a surprising  
7 conclusion, they flew four commercial  
8 jets, three of them into their targets and  
9 another one crashing, they had to learn to  
10 fly large commercial jet aircraft, what  
11 footnote should there be.

12 Q. Okay.

13 On page 28 of your report there  
14 is a section called "pilot selection."

15 Again, I can't find any  
16 citations within that section.

17 Is there any way for me looking  
18 at the report to be able to tell where you  
19 got the information in the pilot selection  
20 section of your report?

21 A. There isn't a footnote here.

22 However, again, 9/11 Report and  
23 other reports, we know that Khalid al  
24 Mihdar and Nawaf al Hazmi were sent, we  
25 know that they had previous time in

1 JENKINS

2 interrogation reports and that's the best  
3 we got.

4 Should I, could I have done,  
5 which I decided not to, in each case go  
6 back and put Op. cit, Op. cit., Op. cit.,  
7 Op. cit., Op. cit., for 9/11 Commission,  
8 no, I did not do that.

9 But I think somebody using this  
10 could, on the basis of the footnotes that  
11 are there, fairly quickly figure out these  
12 things.

13 Now, this, in this pilot  
14 selection in the final sequence, in the  
15 final sequence, is in a sense, it is  
16 somewhat -- it is history, but this is  
17 the part where I believe that I already  
18 have established that this was a large,  
19 sophisticated, careful, planning  
20 organization with ample resources, which  
21 was my mission.

22 Now we're talking about kind of  
23 a straight narrative run of how it worked,  
24 which I have obviously over-assumed the  
25 readers' knowledge, that much of this was



1 JENKINS

2 not particularly new.

3 These statements about, for  
4 example, the pilot selection, are not  
5 Brian Jenkins did independent research  
6 that told him that they went into a safe  
7 house in Karachi, Pakistan.

8 Q. And I am just asking, I guess,  
9 as a person who has to review your work  
10 using the historical methodology that  
11 you've described, how I figure out what  
12 the basis is for each one of your factual  
13 statements in your report.

14 And your report sometimes will  
15 footnote things, but most times does not.

16 How do I figure out where you  
17 got that information if it's not footnoted  
18 in your report?

19 MR. EUBANKS: Objection, asked  
20 and answered.

21 A. I think I answered it, and, you  
22 know, in terms of people that read it,  
23 including your witnesses, they didn't seem  
24 to have any trouble, any trouble finding  
25 that or reading that and in fact in one

1 JENKINS

2 Q. Mr. Jenkins, I think you're  
3 getting far a field and not answering my  
4 questions, and so I am going to have to  
5 just ask you to make an effort to really  
6 focus, okay, I just asked you a very  
7 simple question.

8 Did you read any of the  
9 reports, whether you considered them to be  
10 affirmative reports, rebuttal reports, or  
11 reports offered simply by their own  
12 volition for whatever reason, did you read  
13 any of the reports submitted by any expert  
14 retained by a defendant in the 9/11 case?

15 A. I read Mark Sageman's report.

16 Q. Did you read any other reports  
17 submitted by any other expert who was  
18 retained by a defendant in the 9/11 case  
19 besides the report of Mark Sageman?

20 A. I did not.

21 Q. Did you receive any reports  
22 submitted by any expert who was retained  
23 by defendants in the 9/11 case besides the  
24 report of Mark Sageman --

25 A. I did not.

1 JENKINS

2 I'm sorry, I answered before  
3 you completed your sentence and the answer  
4 is I did not.

5 Mark Sageman is the only report  
6 that I had, that was made available to me,  
7 and that I read.

8 Q. And I just want to be able to  
9 give the court a clear picture of what  
10 you're saying with respect to your  
11 methodology for facts in your report.

12 I understand you to have said  
13 the following; if you didn't provide a  
14 citation, a good guess would be that it  
15 comes from the 9/11 Commission Report, but  
16 you'd have to figure that out on a  
17 case-by-case basis?

18 A. You would have to figure that  
19 out on a case-by-case basis.

20 I think it would be easily  
21 done, but the answer is yes, you would  
22 have to say the primary source for this is  
23 the 9/11 Commission Report.

24 Additional things are footnoted  
25 where they're not 9/11, probably should

1 JENKINS

2 have included more Op. cits. for the 9/11  
3 Report.

4 Some of them are not  
5 footnotable or I didn't think were  
6 footnotable or needed to be footnoted  
7 because I think they were obvious  
8 statements of fact that are known to the  
9 audience.

10 Q. I notice that you didn't site  
11 any of the documents that were produced by  
12 any defendants in this case.

13 Is there a reason for that?

14 A. Did I cite any of the documents  
15 that were provided by the defense; I want  
16 to make sure that we're talking about the  
17 same thing here.

18 Are we talking about those that  
19 are listed in the Exhibit B?

20 Q. I just mean within the body of  
21 your report you didn't cite any documents  
22 that were produced by any defendants in  
23 connection with this case.

24 Is that right?

25 A. You know, in terms of produced

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your report, which is at Exhibit 2025.

You start a section "Al Qaeda's terrorist campaign" and the first three words are "up to then."

What did you mean by "up to then," at the Al Qaeda terrorist campaign section on page 21 of your report?

A. 1996 roughly.

Q. If you take a look at the third full paragraph on page 21 of your report, the third sentence there says, "Khalid Sheikh Mohammed pitched his proposals," which proposals did he pitch?

A. We know there were, again, my understanding meaning the 9/11 Report, that these were variations of air attacks, bombers boarded airliners, planes crashing into targets, and multi-wave attacks, different configurations of basically airplane targets, not airplane targets, but I believe of either airliners being the target of the attack or being a vector to be used in attack and/or variations of those.

JENKINS

Q. Later in the third full paragraph of 21 of your report you write "but bin Ladin remained cautious."

How do you know he was cautious?

A. We only have that again from the report, from the 9/11 Report, that he did not endorse or necessarily agree to any of Khalid Sheikh Mohammed's proposals at that time.

Again, my understanding of this period is that a lot -- bin Ladin was listening to a number of proposals from various kinds of operations and he was not ready yet, as judged by the fact that he put it off, I think there is some language in the 9/11 Report, that on the one hand he didn't like -- he thought one idea, this idea of a plane crashing into CIA headquarters, that was not big enough, that he had in mind spectacular attacks, and I'm looking at my report as I'm saying this, but that was -- that would be a very complex operation, as I say, there

1 JENKINS

2 (Recess taken.)

3 THE VIDEO TECHNICIAN: We are on  
4 the record, the time is 5:21 p.m.

5 Please continue.

6 BY MR. COTTREAU:

7 Q. Mr. Jenkins, just some clean-up  
8 questions so I can make sure I understand  
9 your report.

10 If you could take a look at the  
11 section beginning on page 7 of your  
12 report, let me know when you're there.

13 Are you on page 7?

14 A. Yes, I am, sorry, I thought you  
15 heard me.

16 Q. Pages 7 through 9 of your  
17 report, you have a section titled  
18 "Terrorists Make Commercial Aviation Part  
19 of the Battlefield."

20 Do any of the attacks in that  
21 section involve Al Qaeda?

22 MR. EUBANKS: Take your time  
23 reading through the section.

24 (Witness perusing document.)

25 A. No.

1 JENKINS

2 Q. If you could turn to page 9 of  
3 your report and let me know when you're  
4 there.

5 (Witness complying.)

6 Q. From pages 9 to 11 of your  
7 report, you have a section titled "A  
8 Coordinated Multi-Part Attack."

9 Do any of the plans or plots in  
10 that section involve Al Qaeda, besides  
11 9/11?

12 (Witness perusing document.)

13 A. I'm just going through them.

14 (Witness perusing document.)

15 A. No.

16 Q. If you could turn to page 11 of  
17 your report, you have a section entitled  
18 "The Plot to Bring Down 12 Jumbo Jets."

19 Is that the so-called Bojinka  
20 plot?

21 A. Yes.

22 Q. You say at the first sentence  
23 of the section entitled "The Plot to Bring  
24 Down 12 Jumbo Jets" on page 11 of your  
25 report, that "Ramzi Yousef had become an



1 JENKINS

2 down 12 jumbo jets" on page 11 of your  
3 report, "nascent Al Qaeda group," do you  
4 mean Al Qaeda or do you mean something  
5 other than Al Qaeda when you use that  
6 phrase?

7 A. I should say really here, if I  
8 would revise it, I would say Al Qaeda  
9 network, Al Qaeda constellation,  
10 constellation group surrounding Al Qaeda,  
11 coalescing groups, groups coalescing under  
12 Al Qaeda, rather than group; group implies  
13 something that, while there wasn't Al  
14 Qaeda group dating from '88, in  
15 Afghanistan in the early 1990s, this was  
16 still, again, these relationships are  
17 tenuous and murky, but they're there,  
18 they're nonetheless there.

19 So I would not use the word  
20 group.

21 Q. So as I understand it, on page  
22 11 of your report, instead of "nascent Al  
23 Qaeda group," you would prefer if it said  
24 "groups coalescing around Al Qaeda"?

25 A. I would be comfortable with

1 JENKINS

2 that, yes.

3 Q. I'll just make a list of it and  
4 we can go through each one, but can you  
5 give me each and every piece of evidence  
6 that you think supports the conclusion  
7 that Ramzi Yousef had become an  
8 international recruiter for groups  
9 coalescing around Al Qaeda?

10 A. I would go with, again, I would  
11 check back, I think part of it comes out  
12 of the background of Ramzi Yousef in the  
13 9/11 Report and I'd want to double-check  
14 and see exactly what the quote there was.

15 There was some other documents  
16 and, again, I would want to double-check  
17 on this, that were the result of the  
18 investigation of the 1993 World Trade  
19 Center bombing and Ramzi Yousef coming and  
20 meeting with the so-called blind sheik and  
21 putting together a group for that  
22 operation.

23 Q. Other than the 9/11 Commission  
24 Report section on the background of Ramzi  
25 Yousef and documents concerning the 1993

1 JENKINS

2 World Trade Center bombing, are there any  
3 other documents that you would use to  
4 support the conclusion that Ramzi Yousef  
5 had become an international recruiter for  
6 groups coalescing around Al Qaeda?

7 A. No.

8 But that phrase international  
9 recruiter comes from somewhere, it is not  
10 a phrase that I invented in my head.

11 So there is a source for that,  
12 there is a concrete source for that.

13 Q. Is there a way of telling by  
14 looking at your report what that concrete  
15 source is?

16 A. Again, I'd have to -- I would  
17 have to double-check some things, which I  
18 certainly can do, but we would have to --  
19 if you want to pause for six or seven  
20 minutes, we can do that, or if you want to  
21 just put a question mark on it and we move  
22 on, I leave it to you.

23 Q. I am happy to pause and go off  
24 the record.

25 A. All right.

1 JENKINS

2 THE VIDEO TECHNICIAN: Time is  
3 5:32 p.m., we're off the record.

4 (Recess taken.)

5 THE VIDEO TECHNICIAN: We are on  
6 the record, the time is 5:47 p.m.

7 Please continue.

8 BY MR. COTTREAU:

9 Q. Mr. Jenkins, we just took a  
10 15-minute break for you to try to find the  
11 support for the sentence on page 11 of  
12 your report under the first paragraph of  
13 the section titled "The Plot to Bring Down  
14 12 Jumbo Jets," to find support for the  
15 notion that Ramzi Yousef "had become an  
16 international recruiter for" and then as  
17 we have amended, "groups coalescing around  
18 Al Qaeda."

19 Were you able to find the  
20 support for that sentence?

21 A. There is one reference in  
22 Encyclopedia Britannica, but honestly,  
23 that's not the one I was using.

24 Q. An Encyclopedia Britannica is  
25 not a source you relied on in connection

1 JENKINS

2 with your expert work in this case, is it?

3 A. No, no.

4 Q. So you also during the break  
5 consulted sources that you didn't even  
6 rely on in connection with your expert  
7 report to try to find support for this, is  
8 that right?

9 A. That's an inappropriate way of  
10 expressing it.

11 I was trying a streamlined way  
12 to get back to the origins of the quote  
13 and I'm saying I found one reference, you  
14 know, when you do a quick Google search  
15 there are hundreds of references.

16 But, no, I did not use the  
17 Encyclopedia Britannica, but the  
18 Encyclopedia Britannica got that statement  
19 from somewhere and I got it from somewhere  
20 and there is a source pre-Britannica  
21 publication for that and that's the one I  
22 cannot locate right now.

23 The fact is, to go back to the  
24 issue, certainly Ramzi Yousef was trained  
25 in his bomb-making in Afghanistan,

1 JENKINS

2 that Ramzi Yousef had become an  
3 international recruiter as used on page 11  
4 of your report?

5 A. I cannot give it to you today,  
6 but I'm comfortable with the statement  
7 that I could give it to you, but there is  
8 no point in delaying it today.

9 Q. But you can't even tell me  
10 right now what the evidence is for your  
11 comfort that Ramzi Yousef had become an  
12 international recruiter as stated on page  
13 11 of your report?

14 MR. EUBANKS: Object to form,  
15 asked and answered.

16 A. You know, I didn't make it up.

17 Q. Mr. Jenkins, there are  
18 historians who make mistakes, right?

19 A. Absolutely.

20 Q. And there are historians who,  
21 in retrospect, they made a judgment about  
22 what evidence to credit and what evidence  
23 not to credit but later in life they  
24 decide they're going to change their mind,  
25 right?

1 JENKINS

2 and I will reask my question.

3 A. Got it, got it, got it.

4 Q. The last sentence of the second  
5 full paragraph on page 11 of your report  
6 reads, "The operation was reportedly  
7 financed in part by bin Ladin and other  
8 Islamist extremists."

9 What does "the operation" mean?

10 A. It would refer to Bojinka.

11 Q. Can you make a list for me of  
12 each and every piece of evidence that  
13 supports the conclusion that the Bojinka  
14 plot was reportedly financed in part by  
15 bin Ladin.

16 A. Again, that would take time to  
17 do, but I could.

18 I don't want to have us spend  
19 time and if you want me to submit  
20 something or my lawyers agree for me to  
21 submit something following to do that, but  
22 I don't have all of my material here.

23 I have deliberately not had  
24 anything on my desk here to refer to and  
25 so it will take some time to do it.

JENKINS

are you referring to notes that have not been admitted into evidence and I said, no, these are just some personal comments to myself, and he asked that that be shown to the court and the judge, a former Supreme Court Justice of the United States, who then asked me to hand it to him, I did, and he read it a loud and I was mortified --

Q. I think we're getting a little far afield, if we could focus back on your historical --

A. No.

I have learned in a deposition, on a court stand, not to have anything in front of me --

Q. Well, Mr. Jenkins, I think that's poor advice, but I am going to move on, okay?

A. Okay.

Q. If we can go back on the sentence, "The operation was reportedly financed in part by bin Ladin and other Islamic extremists," page 11 of your



1 JENKINS

2 report, I'm curious why you used the  
3 phrase "reportedly."

4 Does that mean that you're not  
5 endorsing the view that the Bojinka plot  
6 was financed in part by bin Ladin and  
7 you're just reporting what other people  
8 have said or does it mean something else?

9 A. No, the "reportedly" means, it  
10 means that there is a report indicating  
11 that, but I don't have other independent  
12 confirmations of that report, so I am  
13 citing it as a reportedly, but not making  
14 a personal judgment on it.

15 Q. Do you have an opinion one way  
16 or another as to whether bin Ladin or Al  
17 Qaeda financed the Bojinka operation?

18 A. I do not, I was not asked to  
19 investigate that and I haven't.

20 Q. If we could move on then and if  
21 you could take a look at page 12 of your  
22 expert report, let me know when you're  
23 there.

24 A. Hang on.

25 (Pause.)

1 JENKINS

2 link, but I think the fellow who was  
3 involved in the reconnaissance of the  
4 Citibank in midtown Manhattan was  
5 connected, but I'm not going to say that  
6 with any degree of confidence.

7 But U.S. Bank Tower in Los  
8 Angeles definitely, and Brooklyn Bridge  
9 definitely, that was an operation that  
10 involved -- I think that involved Iman  
11 Farris, if I'm not mistaken, so the answer  
12 is, yes, some of them.

13 Q. Have you listed all the ones  
14 that you believe involved Al Qaeda?

15 A. No.

16 Also the plot, there was a plot  
17 to attack the CIA, that was part of  
18 Bojinka, but that never got beyond a plot.

19 There was also an attack at the  
20 headquarters, outside the headquarters of  
21 CIA, that got to the point of an attack.

22 Q. Any others?

23 A. The Pentagon clearly was  
24 attacked on 9/11 and World Trade Center.

25 So we have World Trade Center,

1 JENKINS

2 Pentagon, plot for the CIA, plot for the  
3 Brooklyn Bridge, plot for U.S. Bank Tower  
4 in Los Angeles.

5 Q. I just want to clarify one  
6 thing with you because I understood you to  
7 say something different.

8 With respect to the Bojinka  
9 idea, that it was an idea that was never  
10 accepted by Osama bin Ladin in 1996 and  
11 that was the consideration of Bojinka as  
12 far as Al Qaeda was concerned, do I have  
13 that wrong or do I have that right?

14 A. No, the initial plot to crash a  
15 plane into CIA headquarters was part of  
16 Bojinka.

17 Q. The only question I have for  
18 you, Mr. Jenkins, is, is there any  
19 evidence, maybe I'll make another list of  
20 the evidence, but is there any evidence  
21 that Al Qaeda was involved in the Bojinka  
22 plot?

23 A. As I said, the reported  
24 financing, and with the operative word  
25 being reported, and the answer beyond

1 JENKINS

2 that, not that I know of or that I have  
3 included in this report.

4 Q. Could I have you take a look at  
5 page 14 of your report, the first full  
6 paragraph there begins "immediately upon  
7 arrival."

8 (Witness perusing document.)

9 A. Yes.

10 Q. On page 14 of your expert  
11 report, first full paragraph, at the end  
12 of that paragraph you use the phrase "a  
13 group of local volunteers who would  
14 participate in the plot to bomb the World  
15 Trade Center," in 1993; my question is, do  
16 you have any evidence that suggests that  
17 that group of local volunteers were  
18 members of Al Qaeda or affiliated with Al  
19 Qaeda?

20 A. No.

21 Q. If I could have you turn to  
22 page 15 of your report.

23 A. Okay.

24 Q. Very last sentence on page 15  
25 of your report relates to the failed World

1 JENKINS

2 Trade Center bombing plot in 1993 and I  
3 think you write there, "What he needed was  
4 the support of a larger organization."

5 Is that to suggest that in 1993  
6 Ramzi Yousef lacked the support of Al  
7 Qaeda in connection with the 1993 World  
8 Trade Center bombing?

9 A. No, I don't -- that's an  
10 inference, but that's not what I'm  
11 implying here.

12 Q. Is it a fair inference?

13 A. Is it a fair inference, it's a  
14 fair inference.

15 Q. If I could have you turn to  
16 page 16 of your expert report, at the end  
17 of the first full paragraph you make a  
18 reference in a sentence that says, "In  
19 1996 he traveled to Afghanistan to meet  
20 with Osama bin Ladin."

21 Is the he in that sentence  
22 Khalid Sheikh Mohammed?

23 A. Yes.

24 Q. Do you know what month in 1996  
25 Khalid Sheikh Mohammed traveled to

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2 Mr. Jenkins, you testified  
3 earlier that in your view, Al Qaeda's  
4 ideology could be described as Wahhabi.

5 What's your basis for believing  
6 Al Qaeda was Wahhabi?

7 A. In terms of expressing an  
8 extremely intolerant view of Islam, in  
9 terms of expressing a view of, in a sense,  
10 a perception of not only a very strict  
11 view of who gets to come as a genuine  
12 Muslim, but also in terms of seeing, in a  
13 sense as an aggressive form of  
14 proselytization, of pushing very, very  
15 hard.

16 I don't want to go too far in  
17 this, because, again, this is beyond my  
18 report and it's going to take me down a  
19 path of theological discussions and I'm  
20 going to run through the end of my rope  
21 there very quickly.

22 Q. I will not be quizzing you on  
23 Quranic passages, so don't worry about  
24 that.

25 A. Thank you.

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Q. Moving along, page 19 of your report, you state that OBL, Osama bin Ladin, I'm sorry, reversed the sequence; "The United States, 'the far enemy,' was not the final objective after 'the near enemies' had been routed. It was the first objective."

I didn't see any footnotes for that proposition; how did you come to that conclusion?

A. I would come to that conclusion on the basis of -- here I would have to go back myself, but I am not going to do it now, in part his own statements about this, about who he saw as the primary enemy.

The notion of the far enemy is not an invention of Brian Jenkins, it's a phrase that comes out of bin Ladin and the Jihadists.

Q. So you look to I guess what bin Ladin and the Jihadists are saying.

I'm wondering, are you aware, sir, of the statements that came out of

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2 an interesting read and I don't think this  
3 is outside the scope, John, or  
4 Mr. Jenkins, in the sense that I asked you  
5 what's your support for this I guess  
6 reversing of the sequence and you said you  
7 look to some of what bin Ladin and Al  
8 Qaeda members were stating.

9 So I'm asking you, in this  
10 period, where 21 communicaes were issued  
11 blasting the royal family and the king of  
12 Saudi Arabia, whether that factored into  
13 your conclusion in any way?

14 A. Probably in a general sense,  
15 but what I'm actually wanting -- what I  
16 cannot give you right now is tell you this  
17 specific document or this specific  
18 document.

19 Q. So you're not aware of maybe  
20 the labeling, but you are aware of general  
21 kind of screeds that he gave during this  
22 time period against the kingdom, is that  
23 fair?

24 A. I am aware of his feelings  
25 about the kingdom and comments he made



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2 and other matters I don't, but certainly  
3 from a standpoint of respect.

4 Q. Thank you.

5 Are you an expert in religion?

6 A. No.

7 Q. Are you an expert in Islam?

8 A. No.

9 Q. Do you have expertise on the  
10 history of Islam?

11 A. No.

12 Q. Do you have expertise on  
13 history of Salafis?

14 A. Not more than what is generally  
15 available in terms of reading material  
16 that I have read.

17 And this is a problem with the  
18 word expert, but I probably have a better  
19 understanding of it than the average  
20 person, but would never use the word  
21 expert for myself.

22 Q. Thank you.

23 Are you an expert on history of  
24 Wahhabist?

25 A. Again, not an expert.

C E R T I F I C A T I O N

I, Jineen Pavesi, a Registered Professional Reporter, Registered Merit Reporter, Certified Realtime Reporter and a Notary Public, do hereby certify that the foregoing witness, BRIAN M. JENKINS, was duly sworn on the date indicated, and that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

A handwritten signature in black ink that reads "Jineen Pavesi, RPR, RMR". The signature is written in a cursive, flowing style.

JINEEN PAVESI, RPR, RMR, CRR